

108TH CONGRESS
1ST SESSION

S. RES. 86

To authorize testimony and legal representation in *W. Curtis Shain v. G. Hunter Bates, et al.*

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2003

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution;
which was considered and agreed to

RESOLUTION

To authorize testimony and legal representation in *W. Curtis Shain v. G. Hunter Bates, et al.*

Whereas in the case of *W. Curtis Shain v. G. Hunter Bates, et al.*, No. 03–CI–00153, pending in Division II of the Oldham Circuit Court, Twelfth Judicial Circuit, Commonwealth of Kentucky, an affidavit has been requested from Senator Mitch McConnell;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evi-

dence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave; and

Whereas when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

1 *Resolved*, That Senator McConnell is authorized to
 2 provide testimony in the case of W. Curtis Shain v. G.
 3 Hunter Bates, et al., except concerning matters for which
 4 a privilege should be asserted and when his attendance
 5 at the Senate is necessary for the performance of his legis-
 6 lative duties.

7 SEC. 2. The Senate Legal Counsel is authorized to
 8 represent Senator McConnell in connection with any testi-
 9 mony authorized in section one of this resolution.

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